

Virginia Title V Operating Permit

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-305 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Intertape Incorporated
Facility Name:	Intertape Incorporated
Facility Location:	1101 Eagle Springs Road Danville, Virginia 24540
Registration Number:	30823
Permit Number:	LSO30823

August 11, 2000
Effective Date

August 11, 2005
Expiration Date

Dennis H. Treacy
Director, Department of Environmental Quality

August 11, 2000
Signature Date

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I. Facility Information

Permittee

Intertape Incorporated
P. O. Box 3367
Danville, VA 24543-3367

Responsible Official

Bill Donohue
Director of Operations
(804) 797-8273

Facility

Intertape Incorporated
Ringgold Industrial Park
1101 Eagle Springs Road
Danville, VA 24540

Contact Person

Rick Edmondson
Plant Engineer
(804) 737-8273, ext.359

AIRS Identification Number: 51-143-0109

Facility Description: SIC Code 3089 - Intertape manufactures polypropylene based adhesive tape and polyethylene based stretch film.

II. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation (9 VAC)	Pollutant(s) Emitted (9 VAC 5-80-720 B)	Rated Capacity (9 VAC 5-80-720 C)
1F	Cleaver Brooks 125 HP boiler, CB700-125	5-80-720 C		5.23 MMBtu/hr
2F	13 Gas Space heaters	5-80-720 A		
3F	6 Flame Treaters in Extrusion, Prandi-Italy ESSECI	5-80-720 C		0.2 MMBtu/hr each
4F	2 Make-up Air Units - AHU-1	5-80-720 A		
6F	6 Hot Oil Heaters in extrusion	5-80-720 C		3.0 MM Btu/hr
7F	2 Office Heaters and A/C	5-80-720 A		
8F	First Thermal hot oil heater	5-80-720 C		3 MM Btu/hr
10F	Black Clawson acrylic coater dryer, 4	5-80-720 B	VOCs	1.5 MM Btu/hr each
11F-12F	8 space heaters, 12 space heaters	5-80-720 A		
13F	cleaning furnace	5-80-720 C		0.25 MM Btu/hr
3T	Naphthenic oil storage tank	5-80-720 B	VOCs	
7T	Acrylic storage tank	5-80-720 B	none (water-based)	
7P	tape slitting (hot melt)	5-80-720 B	PM	
13P	tape slitting (acrylic)	5-80-720 B	PM	

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

III. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity*	Pollution Control Device (PCD) Description	PCD ID	Pollutant Controlled	Applicable Permit Date
Hot Melt Adhesive Coating Line (#1)							
1P		Hot melt Coater, Solvent Coating	0.167 tons/hr	Hoyt Carbon Adsorber, CAH 6-12-2T	24P	VOCs/toluene	March 10, 2000
2P	2P	Hot melt Coater, Solvent Drying	0.167 tons/hr	Hoyt Carbon Adsorber, CAH 6-12-2T	24P	VOCs/toluene	March 10, 2000
3P	3P	Hot melt Coater, Adhesive Compounding	1 ton/hr	Hoyt Carbon Adsorber, CAH 6-12-2T	24P	VOCs/toluene	March 10, 2000
4P		Solvent Mixing	0.167 tons/hr	Hoyt Carbon Adsorber, CAH 6-12-2T	24P	VOCs/toluene	March 10, 2000
6P		Hot melt Coater, adhesive coating	2.2 tons/hr	Hoyt Carbon Adsorber, CAH 6-12-2T	24P	VOCs/toluene	March 10, 2000
Acrylic Adhesive Coating Line (#2)							
8P		2 - 500 gal closed mixing churns	0.167 tons/hr	Baron Blakeslee Carbon Adsorber	25P	VOCs/toluene	March 10, 2000
9P		Acrylic Coater machine, Black Clawson, 2.2 M web	39,600 m ² /hr	Baron Blakeslee Carbon Adsorber	25P	VOCs/toluene	March 10, 2000
10P		Solvent release coating, Black Clawson, 2.2 M web	0.15 tons/hr	Baron Blakeslee Carbon Adsorber	25P	VOCs/toluene	March 10, 2000
11P	11P	Solvent Drying, Black Clawson, 2.2 M web	0.15 tons/hr	Baron Blakeslee Carbon Adsorber	25P	VOCs/toluene	March 10, 2000
12P		Acrylic adhesive coating station, Black Clawson, 2.2 M web	1.43 tons/hr	Baron Blakeslee Carbon Adsorber	25P	VOCs/toluene	March 10, 2000
Stretch Film Manufacturing							
14P – 15P	14P - 15P	Cast extrusion, Black Clawson, 120", 3 layer cast line	2500 lbs/hr				
16P	16P	Cast extrusion, Battenfeld Gloucester, 154", 5 layer cast line	4000 lbs/hr				
17P – 20P		blown extrusion, Battenfeld Gloucester monolayer bubble	1200 lbs/hr				

Con't.

21P		Repelletizer, Erema Corp	1200 lbs/hr				
Silos							
22P	22P	Polyethylene resin stretch storage silos (14 ea), film, Process Control Corp. (200,000 lb capacity)	15,000 lbs/hr				
23P		Polypropylene storage silos, film, Conair Storage Silos - 10 total	15,000 lbs/hr				
Storage Tanks							
1T		Toluene Storage Tank	6,000 gal				
2T		Toluene Storage Tank	8,000 gal				
4T		Polybutene H-300 storage tank	12,000 gal				
5T-6T		Resin storage tank (heated)	Unk				
Extrusion – Polypropylene Film Mfg.							
5P		6 extruders	0.622 tons/hr				

*The Size/Rated capacity [and PCD efficiency] is provided for informational purposes only, and is not an applicable requirement.

IV. Process Equipment Requirements – adhesive coating lines, #1 and #2 (1P, 2P, 3P, 4P, 6P, 8P, 9P, 10P, 11P, and 12P)

A. Limitations

1. Except as specified as being more stringent in this permit, each coating line is to be operated in compliance with Federal emissions requirements under 40 CFR 60, Subpart RR, Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations. (9 VAC 5-80-110, 40 CFR 60.440 and Condition 3 of March 10, 2000 Permit)
2. Volatile organic compound (VOC) emissions from the #1 adhesive coating line (which includes solvent tanks, mixing tanks, release coating application unit and ovens) shall be controlled by a carbon bed adsorption system. The adhesive coating line and the carbon adsorption units shall be provided with adequate access for inspection. (9 VAC 5-80-110 and Condition 4 of March 10, 2000 Permit)
3. Volatile organic compound (VOC) emissions from the #2 (acrylic) adhesive coating line (which includes solvent tanks, mixing tanks, release coating application unit and ovens) shall be controlled by a carbon bed adsorption system. The adhesive coating line and the carbon adsorption unit shall be provided with adequate access for inspection. (9 VAC 5-80-110 and Condition 5 of March 10, 2000 Permit)
4. On and after the date on which the performance test required by 40 CFR 60.8 has been completed, as well as for the initial performance test itself, the permittee shall:
 - a. Cause the discharge into the atmosphere from each coating line not more than 0.20 kg VOC/kg of coating solids applied as calculated on a weighted average basis for one calendar month; or
 - b. Demonstrate for each coating line
 - i. A 90 percent overall VOC emission reduction as calculated over a calendar month; or
 - ii. The percent overall VOC emission reduction specified in 40 CFR 60.443(b) as calculated over a calendar month.(9 VAC 5-80-110, 40 CFR 60.442 and Condition 10 of March 10, 2000 Permit)
5. To determine compliance with Condition IV.A.4.a., the permittee shall calculate a weighted average of the mass of solvent used per mass of coating solids applied for a one calendar month period according to the following procedures:
 - a. determine the weight fraction of organics and the weight fraction of solids of each coating applied to each coating line by using Reference Method 24 (40 CFR 60 Subpart A) or by the coating manufacturer's formulation data

- b. compute the weighted average by the following equation:

$$G = \frac{\sum_{i=1}^n W_{oi} M_{ci}}{\sum_{i=1}^n W_{si} M_{ci}} \quad \text{where}$$

G = the calculated weighted average mass (kg) of VOC per mass (kg) of coating solids applied each calendar month

W_{oi} = the weight fraction of organics applied of each coating (i) applied during each calendar month as determined from Reference Method 24 or manufacturer's formulation data

M_{ci} = the total mass (kg) of each coating (i) applied during the calendar month as determined from facility records

W_{si} = the weight fraction of solids applied of each coating (i) applied during a calendar month as determined from Reference Method 24 or manufacturer's formulation data

- c. for each coating line where the value of G is less than or equal to 0.20 kg VOC per kg of coating solids applied, the coating line is in compliance with Condition IV.A.4.a.

(9 VAC 5-80-110, 40 CFR 60.443(a)(1) and Condition 11 of March 10, 2000 Permit)

6. To determine compliance with Condition IV.A.4.b., the permittee shall calculate the required overall VOC emission reduction according to the following equation:

$$R_q = \frac{G - 0.20}{G} \times 100 \quad \text{where } R_q = \text{the required overall VOC emission reduction (in percent)}$$

If R_q is less than or equal to 90 percent, then the required overall VOC emission reduction is R_q . If R_q is greater than 90 percent, then the required overall VOC emission reduction is 90 percent.

(9 VAC 5-80-110, 40 CFR 60.443(b) and Condition 12 of March 10, 2000 Permit)

7. The permittee shall determine the overall VOC emission reduction for each calendar month for each coating line by the following equation:

$$R = \sum_{i=1}^n \frac{M_r}{W_{oi} M_{ci}} \times 100 \quad \text{where } R = \text{the overall VOC emission reduction achieved for a calendar month (in percent)}$$

M_r = the total mass (kg) of solvent recovered for a calendar month

If the R value is equal to or greater than the R_q value calculated per Condition IV.A.6, then compliance with Condition IV.A.4.b. is demonstrated.

(9 VAC 5-80-110, 40 CFR 60.443(c) and Condition 13 of March 10, 2000 Permit)

8. After the initial performance test required for each coating line, compliance with the VOC emission limitation and percentage reduction requirements under 60.442, as in Condition IV.A.4, is based on the average emission reduction for one calendar month. A separate compliance test is completed at the end of each calendar month after the initial performance test, and a new calendar month's average VOC emission reduction is calculated to show compliance with the standard.
(9 VAC 5-80-110, 40 CFR 60.443(f) and Condition 14 of March 10, 2000 Permit)
9. Startups and shutdowns are normal operation for this source category. Emissions from these operations are to be included when determining if the standard specified in Condition IV.A.4.b. is being attained.
(9 VAC 5-80-110, 40 CFR 60.443(j) and Condition 15 of March 10, 2000 Permit)
10. Emissions from the operation of the adhesive tape manufacturing facility shall not exceed the limits specified below:

Volatile Organic Compounds	241 tons/yr
Toluene	241 tons/yr

The annual emission limits shall be calculated monthly as the sum of each consecutive 12 month period.
(9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 17 of March 10, 2000 Permit)
11. Compliance with the annual emission limits in Condition No. IV.A.10 shall be determined by material balance each calendar month as follows:
 - a. Add toluene purchases to opening toluene inventory in gallons.
 - b. Subtract from a. the closing toluene inventory and the amount of toluene disposed of off site, in gallons.
 - c. Determine the toluene losses each month by converting the result of b. to tons using a conversion factor of 0.003625 tons per gallon.

(9 VAC 5-80-110 and Condition 18 of March 10, 2000 Permit)

B. Monitoring and Recordkeeping

1. Each of the carbon adsorption systems shall be equipped with a device which continuously measures the VOC concentration of the exhaust gas in ppmv to indicate breakthrough. The permittee shall maintain records of the manufacturer's recommendations for carbon bed replacement and records of actual carbon bed replacement.
(9 VAC 5-80-110 and Condition 6 of March 10, 2000 Permit)

2. The permittee shall develop a VOC Emissions Monitoring Plan which addresses the proper monitoring, recordkeeping, and reporting parameters necessary to demonstrate compliance with the conditions established within this permit. The Monitoring Plan shall be maintained at the facility and made available to Department personnel upon request. This plan shall be updated to reflect changes in monitoring parameters, operations, and equipment prior to the initiation of these changes. The content and format of the Monitoring Plan shall be arranged with the Lynchburg Satellite Office.
(9 VAC 5-80-110 and Condition 20 of March 10, 2000 Permit)
3. In order to minimize the duration and frequency of excess emissions due to malfunctions of process equipment or air pollution control equipment, the permittee shall:
 - a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance. These records shall be maintained on site for a period of five (5) years and shall be made available to DEQ personnel upon request.
 - b. Maintain an inventory of spare parts that are needed to minimize durations of air pollution control equipment breakdowns.
(9 VAC 5-80-110 and Condition 25 of March 10, 2000 Permit)
4. The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Lynchburg Satellite Office. These records shall include, but are not limited to:
 - a. A calendar month record of all coatings used and the results of the reference test method specified in 60.446(a) or the manufacturer's formulation data used for determining the VOC content of those coatings.
 - b. A calendar month record of the amount of toluene applied to each coating line.
 - c. A calendar month record of the amount of toluene recovered by carbon adsorption on each coating line.
 - d. Records of the results of the monthly compliance demonstrations as required by Condition IV.A.7.
 - e. A 12-month rolling total of the toluene emissions calculated by material balance for the overall facility using the procedure in Condition No. IV.A.11.

All records shall be available for inspection by the DEQ and shall be current for the most recent five (5) years.

(9 VAC 5-50-50, 60.445 and Condition 21 of March 10, 2000 Permit)

C. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing and monitoring upon reasonable notice at any time, using appropriate methods. Test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30 and 9 VAC 5-80-110)
2. Initial performance tests shall be conducted for each coating line to demonstrate compliance with the VOC emission standard contained in Condition IV.A.4. The tests shall be performed, and demonstrate compliance, within 60 days but in no event later than 180 days after completion of the modification to the adhesive coating line. Tests shall be conducted and reported in accordance with 40 CFR 60 Subpart RR.
(9 VAC 5-50-410, 9 VAC 5-50-30, 9 VAC 5-80-10 J, 40 CFR 60.442, 40 CFR 60.444 and Condition 8 of March 10, 2000 Permit)
3. Each performance test shall be conducted as follows:
 - a. each performance test shall be a one calendar month test and not the average of three runs as specified in 40 CFR 60.8(f).
 - b. the weighted average mass of VOC applied per mass of coating solids applied for a one calendar month period shall be determined as specified in 60.443(a)(1) and (2). This procedure is also contained in Condition IV.A.5a. and b. If this value is less than 0.2 kg VOC applied per kg of coating solids applied, the coating line is in compliance. If not, calculate the required percent overall VOC emission reduction as specified in 60.443(b) or (c), as appropriate.
 - c. to determine the mass of VOC applied and recovered:
 - i. The permittee shall install, calibrate, maintain, and operate a monitoring device for indicating the cumulative amount of VOC applied to each coating line during each calendar month.
 - ii. The permittee shall install, calibrate, maintain, and operate a monitoring device for indicating the cumulative amount of VOC recovered by each carbon adsorption system during each calendar month.
 - iii. Each monitoring device required by this condition shall be accurate within +/- 2 percent.

(9 VAC 5-170-160, 9 VAC 5-50-410, 9 VAC 5-50-260, 9 VAC 5-50-50, 40 CFR 60.444 and 40 CFR 60.446 and Condition 9 of March 10, 2000 Permit)

D. Reporting

1. Following the initial performance test, the permittee shall submit quarterly reports to the LSO of exceedances of the VOC emission limits for each coating line. If no such exceedances occur during a particular quarter, a report stating this shall be submitted semiannually. (9 VAC 5-50-50 of State Regulations and 40 CFR 60.447(b) and Condition 16 of March 10, 2000 Permit)
2. The permittee shall furnish written notification to the Lynchburg Satellite Office of:
 - a. The actual date on which modification of adhesive tape line #1 commenced within 10 days after such date.
 - b. The actual start-up date of the modified adhesive tape line #1 within 10 days after such date.
 - c. The anticipated date of the performance test of adhesive tape lines #1 and #2.(9 VAC 5-170-160 of State Regulations, 40 CFR 60.447 and Condition 19 of March 10, 2000 Permit)

V. Process Equipment Requirements – Stretch Film Manufacturing (14P - 22P), silos (23P), and extruders (5P)

A. Limitations

1. Particulate emissions from each cast extruder shall not exceed 4.76 pounds per hour. (9 VAC 5-40-260 A.)
2. Particulate emissions from each blown extruder shall not exceed 2.91 pounds per hour. (9 VAC 5-40-260 A.)

B. Monitoring and Recordkeeping

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Lynchburg Satellite Office. These records shall include, but are not limited to, the annual throughput of film extruded on all extrusion lines, calculated monthly as the sum of

each consecutive twelve (12) month period. All records shall be available for inspection by the DEQ and shall be current for the most recent five (5) years.
(9 VAC 5-50-50 of State Regulations)

VI. Facility Wide Conditions

New source standard for visible emissions

Unless otherwise specified in this permit, no owner or other person shall cause or permit to be discharged into the atmosphere from any coating line any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 30% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section.
(9 VAC 5-50-80)

VII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
None identified		

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

VIII. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit shall become invalid five years from the date of issuance. The permittee shall submit an application for renewal of this permit no earlier than 18 months and no later than six months prior to the date of expiration of this permit. Upon receipt of a complete and timely application for renewal, this source may continue to operate subject to final action by the DEQ on the renewal application.
(9 VAC 5-80-110 D and 9 VAC 5-80-80 F)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;

(2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,

(3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Lynchburg Satellite Office, within four daytime business hours of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the occurrence, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition VII.C.3. of this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

If, for any reason, the affected facilities or related air pollution control equipment fails or malfunctions and may cause excess emissions for more than one hour, the owner shall notify the Lynchburg Satellite Office, within four (4) daytime business hours of the occurrence. In addition, the owner shall provide a written statement, within 14 days, explaining the problem, corrective action taken, and the estimated duration of the breakdown/shutdown.

(9 VAC 5-80-250)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit, including those terms and conditions set forth in a tabular format. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Action for Cause

1. This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
(9 VAC 5-80-110 G.4)
2. Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:
 - a. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;
 - b. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
 - c. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emissions cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
 - d. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
 - e. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
 - f. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);

- g. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-305 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any coating line including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the conditions of paragraph 2 are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of malfunction, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit.
 - d. For malfunctions that occurred for one hour or more, the permittee submitted to the Board by the deadlines described in **Failure/Malfunction Reporting** above, a notice and written statement containing a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notice fulfills the requirement of 9 VAC 5-80-110 F.2.b to report promptly deviations from permit requirements.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.
(9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)